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6 **VISTO CORPORATION**

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**
11

12 **VISTO CORPORATION,**

13 Plaintiff,

14 v.

15 **SPROQIT TECHNOLOGIES, INC.,**

16 Defendant.
17

Case No. C 04-0651 EMC

**DECLARATION OF IMRAN A. KHALIQ
IN SUPPORT OF VISTO'S OPENING
CLAIM CONSTRUCTION BRIEF UNDER
P.R. 4-5(a)**

18 I, Imran A. Khaliq, declare as follows:

19 1. I am an attorney with Manatt, Phelps & Phillips, counsel for plaintiff Visto
20 Corporation ("Visto") in the above-captioned action. The facts below are true and correct and
21 within my own personal knowledge, and if called on to testify to them, I could and would
22 competently do so.

23 2. Attached hereto as **Exhibit A** is a true and correct copy of U.S. Patent Number
24 5,968,131 ("the '131 patent").

25 3. Attached hereto as **Exhibit B** is a true and correct copy of U.S. Patent Number
26 6,023,708 ("the '708 patent").

27 4. Attached hereto as **Exhibit C** is a true and correct copy of U.S. Patent Number
28 6,085,192 ("the '192 patent").

1 5. Attached hereto as **Exhibit D** is a true and correct copy of U.S. Patent Number
2 6,708,221 (“the ‘221 patent”) (Exhibits A-D are collectively referred to as “the patents in suit”).

3 6. Attached hereto as **Exhibit E** is a true and correct copy of the Claim Construction
4 Order issued by Judge Ward of the United States District Court, Eastern District of Texas,
5 Marshall Division, on April 20, 2005.

6 7. Attached hereto as **Exhibit F** is a true and correct copy of the definition of “copy” as
7 defined on page 256 in *Merriam-Webster’s Collegiate Dictionary, Tenth Edition*.

8 8. Attached hereto as **Exhibit G** is a true and correct copy of the definition of “imitation”
9 as defined on page 567 in *Webster’s New Collegiate Dictionary, 1981*.

10 9. Attached hereto as **Exhibit H** is a true and correct copy of the definition of “element”
11 as defined on page 373 in *Merriam-Webster’s Collegiate Dictionary, Tenth Edition*.

12 10. Attached hereto as **Exhibit I** is a true and correct copy of the definition of
13 “information” as defined on page 599 in *Merriam-Webster’s Collegiate Dictionary, Tenth*
14 *Edition*.

15 11. Attached hereto as **Exhibit J** is a true and correct copy of the definition of “version”
16 as defined on page 1313 in *Merriam-Webster’s Collegiate Dictionary, Tenth Edition*.

17 12. Attached hereto as **Exhibit K** is a true and correct copy of the ‘192 Patent
18 Reexamination Certificate.

19 13. Attached hereto as **Exhibit L** is a true and correct copy of U.S. Patent Number
20 5,386,564 (“the ‘564 patent”).

21 14. Attached hereto as **Exhibit M** is a true and correct copy of U.S. Patent Number
22 4,875,159 (“the ‘159 patent”).

23 15. Attached hereto as **Exhibit N** is a true and correct copy of U.S. Patent Number
24 5,600,834 (“the ‘834 patent”).

25 16. Attached hereto as **Exhibit O** is a true and correct copy of the definition of
26 “examination” as defined on page 403 in *Merriam-Webster’s Collegiate Dictionary, Tenth*
27 *Edition*.

28 17. Attached hereto as **Exhibit P** is a true and correct copy of the definition of “result” as

1 defined on page 999 in *Merriam-Webster's Collegiate Dictionary, Tenth Edition*.

2 18. Attached hereto as **Exhibit Q** is a true and correct copy of the definition of "firewall"
3 as defined on page 197 in *The Microsoft Computer Dictionary, 3rd Edition, 1997*.

4 19. Attached hereto as **Exhibit R** is a true and correct copy of selected excerpts from U.S.
5 Patent Application Serial Number 08/841,950.

6 20. Attached hereto as **Exhibit S** is a true and correct copy of the definition of "format" as
7 defined on page 186 in the *Dictionary of Computer and Internet Terms, Sixth Edition*.

8 21. Attached hereto as **Exhibit T** is a true and correct copy of the definition of "server" as
9 defined on page 430 in *The Microsoft Computer Dictionary, 3rd Edition, 1997*.

10 22. Attached hereto as **Exhibit U** is a true and correct copy of the definition of "generate"
11 as defined on page 485 in *Merriam-Webster's Collegiate Dictionary, Tenth Edition*.

12 I declare under penalty of perjury, under the laws of the United States and the State of
13 California, that the foregoing is true and correct.

14 Executed this 30th day of May, 2006, at Palo Alto, California.

15
16 /s/Imran A. Khaliq
Imran A. Khaliq

17 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures,*
18 *Robert D. Becker hereby attests that concurrence in the filing of this document has been obtained.*